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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CRAIG CUNNINGHAM, §
PLAINTIFF, §
§
V. §
§
CHRIS PATTERSON, AREA §
PUBLICATIONS INC., BARBIE §
ROBERTS, JOHN/JANE DOE 1-5, §
DEFENDANTS. §

CAUSE NO. 1:19-CV-409-LY

ORDER ON REPORT AND RECOMMENDATION

Before the court in the above styled and numbered case is Plaintiff's Renewed Motion for a Default Judgment and Request for a Hearing to determine damages filed December 9, 2019 (Doc. #17). The motion was referred to the United States Magistrate Judge for Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, as amended. The magistrate judge filed a Report and Recommendation on April 3, 2020 (Doc. #23), recommending that this court grant in part and deny in part Plaintiff's motion.

Pursuant to 28 U.S.C. § and Rule 72(b) of the Federal rules of Civil Procedure, a party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the Report and Recommendation, and thereby secure a *de novo* review by the district court. A party's failure to timely file written objections to the proposed findings, conclusion, and recommendations in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United States Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

The parties in this cause were properly notified of the consequences of a failure to file objections. Objections to the Report and Recommendation were due April 17, 2020. No party has filed objections to the findings of fact and conclusions of law in the report and recommendation. The court, having reviewed the entire record and finding no plain error, accepts the Report and Recommendation filed in this cause for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that the United States Magistrate Judge's Report and Recommendation (Doc. #23) filed in this cause is hereby **APPROVED** and **ACCEPTED** by the court for substantially the reasons stated therein.

IT IS FURTHER ORDERED that Plaintiff's Renewed Motion for a Default Judgment and Request for a Hearing to determine damages (Doc. #17) is **GRANTED** to the extent that Defendant Area Publications, Inc. is liable to Plaintiff Craig Cunningham for a total of \$4,500 in statutory damages and \$400 in costs, and is **DENIED** in all other respects.

SIGNED this 9th day of June, 2020.



Lee Yeakel

LEE YEAKEL
UNITED STATES DISTRICT JUDGE